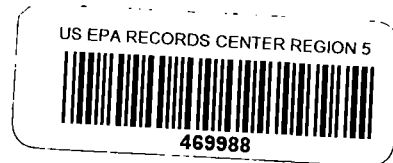


WARNER NORCROSS & JUDD LLP

ATTORNEYS AT LAW

900 OLD KENT BUILDING
111 LYON STREET, N.W.
GRAND RAPIDS, MICHIGAN 49503-2489
TELEPHONE (616) 752-2000
FAX (616) 752-2500

April 17, 1998



VIA TELECOPIER AND
CERTIFIED MAIL--RETURN
RECEIPT REQUESTED

Ms. Kathleen Schnieders (C14J)
Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection
Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: **Albion-Sheridan Township Landfill Superfund Site, Albion, Michigan--Notice
of Performance Delay**

Dear Ms. Schnieders:

This letter is sent on behalf of Cooper Industries, Inc. and Corning, Inc. ("Respondents") to notify you of delay in implementing the Unilateral Administrative Order ("UAO") for the Albion-Sheridan Township Landfill Superfund Site entered into on October 11, 1995. This notice is provided to you in accordance with the provisions of paragraphs 70 and 71 of the UAO. Neither this letter nor any of the activities undertaken in connection with the Site should be construed as an acknowledgment of liability by Respondents or of the validity of the UAO issued in connection with this matter.

The underlying reasons for the potential delay are: 1) Decker Manufacturing Inc.'s unauthorized and ambiguous acquisition of property adjacent to the Site that is critical for Site access; 2) related access issues arising from complications associated with the current law suit; and 3) uncertain title to the existing landfill. Even though the Respondents have been the only UAO recipients actually implementing the Order, the City of Albion has chosen to bring a third party claim against them as part of its defense against the law suit brought by the United States. Respondents necessarily are devoting their time and energy to the demands of the suit, and, have been required to bring suit against Decker Manufacturing, Inc. ("Decker") the other UAO recipient, which was not sued by Albion, apparently for local political reasons. Accordingly, all activities among the parties currently involved at the Site must be understood within the context of the law suit.



THE
OFFICE OF THE
ATTORNEY GENERAL
STATE OF NEW YORK

IN SENATE, JANUARY 10, 1911.

REPORT OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
JANUARY 10, 1911.

ALBANY: PUBLISHED BY THE
UNIVERSITY OF THE STATE OF NEW YORK
JANUARY 10, 1911.

1911.

THE
OFFICE OF THE
ATTORNEY GENERAL
STATE OF NEW YORK

1911.

Ms. Kathleen Schnieders
April 17, 1998
Page 2

As required by law, the Respondents have been implementing the UAO in good faith. The current, more intrusive stage of implementing the remedy requires access to and through certain adjoining parcels of property. Decker, apparently through a subsidiary, claims to have obtained title to these parcels. However, Decker has been unwilling to provide details about the status of these parcels and has unacceptably conditioned access. These issues must now be resolved in the current lawsuit. As you are aware, the parties are beginning the discovery process necessary to assess each party's liability at the Site. This process will take time.

Finally, access to the Landfill itself is necessary to implement the UAO. Title to the Landfill property is currently open to dispute. Due to an error in the transfer of the property to the State of Michigan in 1991 because of delinquent taxes, a portion of the property previously sold to a third party was not excepted from the deed. Accordingly, the State did not hold proper title when it subsequently auctioned the property. Steps have since been taken by the State to retrieve the auctioned deed and cancel the State's title in order to make the necessary corrections. However, we have not been notified that ownership has been finally determined, despite repeated inquiries and a recent Freedom of Information Act request. Until title is determined, proper access cannot be obtained.

Respondents plan to proceed in the prudent defense of the current law suit. While the Respondents have committed themselves to the implementation of the UAO, and are the only recipients to have done so, they feel compelled to provide you with this notification pursuant to the provisions of paragraphs 70 and 71 of the UAO that there will be unavoidable delays in further implementation of the UAO.

Should you have any questions with regard to this letter, please do not hesitate to call me.

Sincerely,

Eugene E. Smary

lap
cc: Mr. Jon Peterson
Cooper Industries
Corning, Inc.

#301749